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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,945	08/31/2001	David Matthew Chakmakian	RPS920010057US1	2063

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EXAMINER
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STORK, KYLE R

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/943,945

Applicant(s)

CHAKMAKIAN, DAVID MATTHEW

Examiner

Kyle R. Stork

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,5-8,12-15 and 19-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-8,12-15 and 19-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This non-final office action is in response to the request for continued examination filed 1 July 2005.
2. Claims 1, 5-8, 12-15, and 19-29 are pending. Claims 1, 8, and 15 are independent claims. The rejection of claims 1, 5-8, 12-15, and 19-29 under 35 U.S.C. 102 have been withdrawn as necessitated by the preliminary amendment filed with the request for continued examination.

### ***Drawings***

3. The drawings were received on 1 July 2005. These drawings are acceptable.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1, 5-8, 12-15, and 19-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nogami et al. (US 4962452 file 23 August 1989, herein Nogami) and further in view of Okuno et al. (US 6438566, filed 21 October 1996, herein Okuno).

Regarding independent claim 1, Nogami discloses a method for preparing reviewable translations of comment text contained within a data processing system instruction data structure that further includes program code items (column 6, line 37-

column 7, line 35; Abstract, lines 1-20, this is the purpose of Nogami's invention; Nogami can handle arbitrary languages, which encompasses program code), comprising: identifying one or more comment text items within a data processing system instruction data structure(see column 6, line 37- column 7, line 35; line 6, Abstract); copying each of the one or more comment text items from the data processing system instruction data structure to a comment text data structure in which the copied comment text items are isolated from the program code items; (see column 6, line 37- column 7, line 35; line 6; Abstract; a data structure is inherent to this process); translating each of the one or more comment text items within the comment text data structure into a corresponding one or more translated text items (see column 6, line 37- column 7, line 35; lines 10-15, Abstract, the processing would inherently occur in such a manner); combining each of the one or more translated text items and each of the one or more comment text items within a combined text data structure(see column 6, line 37- column 7, line 35; lines 10-15, Abstract, the data structure would be inherent); and arranging each of the one or more translated comment text items within the combined text data structure in logical proximity to a corresponding comment text item, from which corresponding comment text item the translated text item was translated(see column 6, line 37- column 7, line 35; lines 15-20, Abstract, the comments are reinserted and marked).

Nogami does not specifically disclose a separate comment text data structure storing comments. However, Okuno discloses a comment text data structure storing comment data (claim 53, column 57, line 63- column 8, line 20).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Nogami's method with Okuno, since it would have allowed a user to efficiently transfer data from one version of a document to another version (Okuno: column 2, lines 39-44).

Regarding dependent claim 5, Nogami discloses that the combining step further is followed by modifying the one or more translated text items in the combined text data structure responsive to user input (in the Abstract, lines 10-15, the translated text items are changed into a translated version, and in col. 2, lines 35-45, they are marked up, in Figure 4, the user's input affects the translation).

Regarding dependent claim 6, Nogami discloses that the combining step further comprises modifying the one or more translated text items in the translated text data structure to match the one or more translated text items in the combined text data structure (in the Abstract, lines 10-15, the translated text items are changed into a translated version, and in col. 2, lines 35-45, they are marked up).

Regarding dependent claim 7, Nogami discloses that the data processing system instruction data structure is a source code file of machine-readable instructions on a machine-readable medium (Line 1 of the Abstract, it is a machine translation system, which inherently must operate based on such a file).

Regarding independent claim 8, it is a system that is analogous to claim 1 and is rejected in an identical manner.

Regarding dependent claim 12, it is a system that is analogous to claim 5 and is rejected in an identical manner.

Regarding dependent claim 13, it is a system that is analogous to claim 6 and is rejected in an identical manner.

Regarding dependent claim 14, it is a system that is analogous to claim 7 and is rejected in an identical manner.

Regarding independent claim 15, it is a computer-readable medium that is analogous to claim 1 and is rejected in an identical manner.

Regarding dependent claim 19, it is a computer-readable medium that is analogous to claim 5 and is rejected in an identical manner.

Regarding dependent claim 20, it is a computer-readable medium that is analogous to claim 6 and is rejected in an identical manner.

Regarding dependent claim 21, it is a computer-readable medium that is analogous to claim 7 and is rejected in an identical manner.

Regarding dependent claim 22, Nogami discloses that the translating step is followed by combining the one or more translated text items within a translated text data structure. (See Abstract, lines 10-25, the sentences which are translated are stored and processed together, which implies a data structure.)

Regarding dependent claim 23, Nogami discloses that said identifying step comprises distinguishing between the comment text items and the program code items with the data processing system instruction data set. (Such distinguishing would be inherent and necessary in order to successfully determine what is to be translated and what is not.)

Regarding dependent claim 24, Nogami disclose displaying each of the one or more translated text items within the combined text data structure in spatial proximity to a corresponding comment text item, from which corresponding comment text item the translated item was translated (Fig. 3 shows a display which displays the pairs of items and translations pairwise.)

Regarding dependent claim 25, it is a system that is analogous to claim 22 and is rejected in an identical manner.

Regarding dependent claim 26, it is a system that is analogous to claim 23 and is rejected in an identical manner.

Regarding dependent claim 27, it is a system that is analogous to claim 24 and is rejected in an identical manner.

Regarding dependent claim 28, it is a computer-readable medium that is analogous to claim 22 and is rejected in an identical manner.

Regarding dependent claim 29, it is a computer-readable medium that is analogous to claim 23 and is rejected in an identical manner.

### ***Response to Arguments***

6. Applicant's arguments with respect to claim 1, 5-8, 12-15, and 19-29 have been considered but are moot in view of the new ground(s) of rejection.

As disclosed above, the Okuno reference has been added to address the amended claim limitations.

**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bates et al. (US 6865713): Discloses a comment data structure stored in memory.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle R. Stork whose telephone number is (571) 272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kyle Stork  
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**CESAR PAULA**  
**PRIMARY EXAMINER**